



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Tryggvason et al.
For : PERFUSION APPARATUS AND METHODS
FOR PHARMACEUTICAL DELIVERY
Serial No. : 10/004,161
Filed : November 15, 2001
Group Art Unit : 1636
Examiner : David Guzo
Last Office Action : February 24, 2004
Confirmation No. : 1993
Attorney Docket No. : TRVZ 200010-1-1-3

Cleveland, Ohio 44114-2579

June 21, 2004

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))**

Identification Of Person Making This Disclaimer:

Name of disclaimant Richard J. Minnich
Business Address 1100 Superior Avenue, Suite 700
Cleveland, Ohio 44114-2579

represent that I am

- ☐ an inventor of this invention
☐ an assignee of this invention
☒ a representative authorized to sign and empowered to act on behalf
of the assignee identified below.

Identity of Assignee and Title of Disclaimant:

The Assignee is:

Name of Assignee	Biostratum, Inc.
Address of Assignee	4620 Creekstone Drive Suite 200 Durham, North Carolina 27703

Title of disclaimant authorized to sign on behalf of

Assignee: Attorney of Record

Extent of Interest

The extent of interest is in

X the whole of the invention

I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

x Claims 1-3 of United States Patent No. 5,871,464; or

x Claims 1-2, 6-9, and 13 of United States Patent No. 6,342,214

and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

x Claims 1-3 of United States Patent No. 5,871,464; or

x Claims 1-2, 6-9, and 13 of United States Patent No. 6,342,214

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

x Claims 1-3 of United States Patent No. 5,871,464; or

x Claims 1-2, 6-9, and 13 of United States Patent No. 6,342,214,

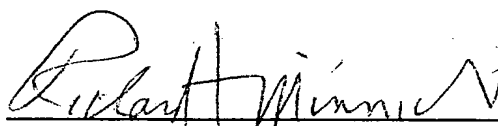
as presently shortened by any terminal disclaimer in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

Fee Status

(37 CFR 1.20(d) and 37 CFR 1.321)

- ☒ other than a small entity - fee \$ 110.00
☐ small entity - fee \$ 55.00
☒ Attached is a check in the amount of \$110.00
☐ Charge Deposit Account No. 06-0308 in the amount of \$0.00 for this fee and any fee deficiency required by this paper.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



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